

AD-A270 643



Final
697-3357



February 1, 1978
NUMBER 1344.3

ASD(MRA&L)

2

Department of Defense Directive

SUBJECT Paternity Claims and Adoption Proceedings
Involving Members and Former Members of the
Armed Forces

Refs.: (a) DoD Directive 1344.3, "Paternity Claims Against
Members and Former Members of the Armed
Forces," November 19, 1966 (hereby cancelled)
(b) Public Law 93-647, section 101(a), codified at
42 U.S.C. 659
(c) Soldiers' and Sailors' Civil Relief Act of 1940, as
amended (50 App. U.S.C. 501 et seq.)

A. REISSUANCE AND PURPOSE

1. This Directive reissues reference (a) to standardize
procedures for the handling of:

a. Paternity claims against members and former
members of the Armed Forces, and

b. Requests from civilian courts concerning the
availability of members and former members of the Armed
Forces to appear at an adoption hearing where it is alleged
that such member is the father of an illegitimate child.

2. Reference (a) is hereby superseded and cancelled.

B. APPLICABILITY

The provisions of this Directive apply to the Military
Departments.

This document has been approved
for public release and sale; its
distribution is unlimited.

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C. POLICY

1. Members on Active Duty

a. Allegations of paternity against members of the Armed Forces who are on active duty will be transmitted to the individual concerned by the appropriate military authorities.

b. If there exists a judicial order or decree of paternity or child support duly rendered by a United States or foreign court of competent jurisdiction against such a member, the commanding officer in the appropriate Military Department will advise the member of his moral and legal obligations as well as his legal rights in the matter. See 42 U.S.C. 659 (reference (b)). The member will be encouraged to render the necessary financial support to the child and take any other action considered proper under the circumstances.

c. Communications from a judge of a civilian court, including a court summons or a judicial order, concerning the availability of personnel to appear at an adoption hearing, where it is alleged that an active duty member is the father of an illegitimate child, shall receive a reply that:

(1) Due to military requirements, the member cannot be granted leave to attend any court hearing until (date), or

(2) A request by the member for leave to attend an adoption court hearing on (date), if made, would be approved, or

(3) The member has stated in a sworn written statement (forward a copy with response) that he is not the natural parent of the child, or

(4) Due to the member's unavailability caused by a specific reason, a completely responsive answer cannot be made.

d. The member should be informed of the inquiry and the response and urged to obtain legal assistance for guidance (including an explanation of sections of the Soldiers' and Sailors' Civil Relief Act (reference (c)), if appropriate).

2. Members Not on Active Duty

a. Allegations of paternity against members of the Armed Forces who are not on active duty shall be forwarded to the individual

concerned in such manner as to ensure that the allegations are delivered to the addressee only. Military channels will be used when practicable.

b. Communications from a judge of a civilian court, including a court summons or judicial order, concerning the availability of personnel to appear at an adoption hearing, where it is alleged that the member not on active duty is the father of an illegitimate child shall receive a reply that such person is not on active duty. A copy of the communication and the reply will be forwarded to the named individual.

c. When requested by a court, the last known address of inactive members may be furnished under the same conditions as set forth for former members under 3.b.(1) and (2), below.

3. Former Members

a. In all cases of allegations of paternity against former members of the Armed Forces or communication from a judge of a civilian court, including a judicial summons or court order, concerning the adoption of an illegitimate child of former members of the Armed Forces who have been separated from the Military Services, i.e., those members now holding no military status whatsoever, the claimant or requester will be (1) informed of the date of discharge, and (2) advised that the individual concerned is no longer a member of the Armed Forces in any capacity, and that the Military Departments assume no responsibility for the whereabouts of individuals no longer under their jurisdiction. The correspondence and all accompanying documentation shall be returned to the claimant or requester.

b. In addition, the last known address of the former member will be furnished to the requester:

(1) If the request is supported by a certified copy of either:

(a) A judicial order or decree of paternity or support duly rendered against a former member by a United States or foreign court of competent jurisdiction; or

(b) A document which establishes that the former member has made an official admission or statement acknowledging paternity or responsibility for support of a child before a court of

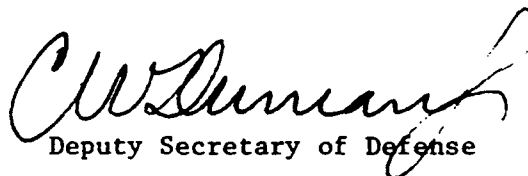
competent jurisdiction, administrative or executive agency, or official authorized to receive it; or

(c) A court summons, judicial order, or similar document of a court within the United States in a case concerning the adoption of an illegitimate child; wherein the former serviceman is alleged to be the father.

(2) If the claimant, with the corroboration of a physician's affidavit, alleges and explains an unusual medical situation which makes it essential to obtain information from the alleged father to protect the physical health of either the prospective mother or the unborn child.

D. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing regulations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 60 days.


Deputy Secretary of Defense

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SUPPLEMENTARY

INFORMATION

DEPARTMENT OF DEFENSE

DIRECTIVES SYSTEM TRANSMITTAL

NUMBER

See Pen Changes Below

DATE

November 16, 1994

DISTRIBUTION

1000 series

ATTACHMENTS

None

*CRATA AD-A270843***INSTRUCTIONS FOR RECIPIENTS**

Pen changes to the following DoD Issuances are authorized:

DoD Issuance Number and Date**Change Number****DoD Instruction 1000.15, September 22, 1978**

Change 2

Section H.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 3. Delete "Forward two copies of implementing regulations to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) within 120 days."

DoD Directive 1020.1, March 31, 1982

Change 1

Section H.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."

DoD Directive 1205.5, May 16, 1980

Change 1

Section F.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

NUMBER	DATE	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
See Below Pen Changes	November 16, 1994	
INSTRUCTIONS FOR RECIPIENTS (continued)		
<u>DoD Issuance Number and Date</u>	<u>Change Number</u>	
<u>DoD Instruction 1205.12, January 15, 1969</u> Section VI. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Two (2) copies of implementing instructions issued by the Military Departments shall be furnished to the Assistant Secretary of Defense (M&RA) within sixty (60) days."	Change 1	
<u>DoD Directive 1205.14, November 11, 1974 (Reprint)</u> Section IV. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Two copies of implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 90 days."	Change 1	
<u>DoD Directive 1205.17, June 20, 1985</u> Section F. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Reserve Affairs) within 120 days."	Change 1	
<u>DoD Directive 1215.13, June 30, 1979</u> Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days for review and approval prior to issuance."	Change 2	
<u>DoD Directive 1215.14, February 4, 1975</u> Section IV. Heading. Delete "AND IMPLEMENTATION" Subsection B. Delete in its entirety.	Change 3	
<u>DoD Directive 1304.23, February 15, 1984</u> Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Installations, and Logistics) within 120 days."	Change 1	

NUMBER	DATE	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
See Below Pen Changes	November 16, 1994	

INSTRUCTIONS FOR RECIPIENTS (continued)

<u>DoD Issuance Number and Date</u>	<u>Change Number</u>
<u>DoD Directive 1312.2, October 4, 1989</u> Section G. Heading. Delete "AND IMPLEMENTATION" Lines 2 through 4. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Health Affairs) within 120 days."	Change 1
<u>DoD Directive 1320.5, July 26, 1978</u> Section F. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward one copy of each implementing document to the Assistant Secretary of Defense (MRA&L) within 120 days."	Change 2
<u>DoD Instruction 1322.20, March 14, 1991</u> Section H. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 120 days."	Change 1
<u>DoD Directive 1325.6, September 12, 1969</u> Section IV. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Two (2) copies of implementing regulations shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within ninety (90) days."	Change 3
<u>DoD Instruction 1330.7, April 26, 1974</u> Section V. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Two copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) within 60 days."	Change 3
<u>DoD Directive 1338.5, August 13, 1980</u> Section F. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."	Change 2

NUMBER	DATE	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
See Below Pen Changes	November 16, 1994	
INSTRUCTIONS FOR RECIPIENTS (continued)		
<u>DoD Issuance Number and Date</u>	<u>Change Number</u>	
<u>DoD Directive 1344.3, February 1, 1978</u>	Change 1	
Section D. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing regulations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 60 days."		
<u>DoD Instruction 1400.10, December 5, 1980</u>	Change 2	
Section F. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."		
<u>DoD Instruction 1400.11, February 8, 1980</u>	Change 2	
Section D. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."		
<u>DoD Directive 1400.13, July 8, 1976</u>	Change 1	
Section VI. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Two copies of implementing regulations shall be forwarded to the ASD(M&RA) within 60 days."		
<u>DoD Directive 1400.16, October 30, 1970</u>	Change 2	
Section VIII. Heading. Delete "AND IMPLEMENTATION" Paragraph B. Delete in its entirety.		
<u>DoD Directive 1400.25, January 24, 1978</u>	Change 1	
Section E. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the ASD(MRA&L) and one copy to the ASD(C) within 60 days."		
<u>DoD Instruction 1400.32, January 15, 1987</u>	Change 1	
Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 60 days."		

NUMBER	DATE	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
See Below Pen Changes	November 16, 1994	

INSTRUCTIONS FOR RECIPIENTS (continued)

<u>DoD Issuance Number and Date</u>	<u>Change Number</u>
<u>DoD Directive 1400.34, December 15, 1988</u> Section F. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 5. Delete "The Military Departments shall forward one copy of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 60 days of receipt of DoD 1400.34-M, "DoD Civilian Intelligence Personnel Management System (CIPMS) Procedures."	Change 2
<u>DoD Directive 1402.1, January 21, 1982</u> Section F. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."	Change 3
<u>DoD Instruction 1412.3, December 8, 1971</u> Section V. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Two copies of each implementing document will be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within ninety (90) days."	Change 2
<u>DoD Instruction 1416.4, March 4, 1963</u> Section VIII. Heading. Change "IMPLEMENTATION" to "EFFECTIVE DATE" Subsection A. Delete in its entirety. Subsection B. Redesignate paragraph "B." as paragraph "A."	Change 2
<u>DoD Instruction 1416.8, December 5, 1980</u> Section E. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."	Change 1
<u>DoD Instruction 1418.2, May 5, 1969</u> Section VII. Heading. Delete "IMPLEMENTATION AND" Lines 1 through 4. Delete "Two copies of implementing instructions and revisions thereto will be furnished to the to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 60 days."	Change 4

NUMBER	DATE	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
See Below Pen Changes	November 16, 1994	

INSTRUCTIONS FOR RECIPIENTS (continued)

DoD Issuance Number and Date

Change Number

DoD Instruction 1422.1, October 31, 1967 (Reprint)

Change 1

Section VI.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 4. Delete "Two copies of implementing regulations issued by the DoD components will be forwarded to the Assistant Secretary of Defense (Comptroller) within 90 days."

DoD Instruction 1424.3, January 28, 1980

Change 1

Section E.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."

DoD Directive 1430.2, June 13, 1981

Change 1

Section E.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."

DoD Directive 1430.4, January 30, 1985

Change 1

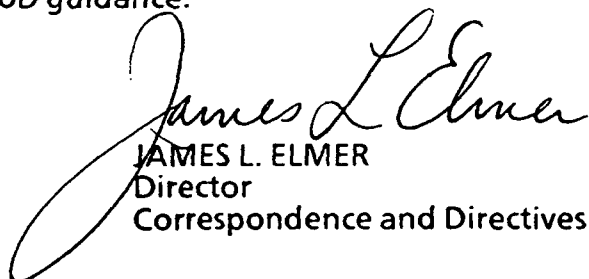
Section E.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Installations, and Logistics) within 120 days."

EFFECTIVE DATE

The above pen changes are effective immediately. Although the pen changes remove the requirement for DoD Components to issue implementing documents, the DoD issuances are directly applicable to all elements with the Components and the Heads of the DoD Components are responsible for carrying out the DoD guidance.


JAMES L. ELMER
Director
Correspondence and Directives